

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**November 5, 2001**

**12:15 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, November 5, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**PURCHASE/SALE OF PROPERTY-CITY MANAGER-COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.**

**Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**DIRECTOR OF FINANCE-PERSONNEL DEPARTMENT-COUNCIL:** A report of the Director of Finance requesting that Council convene in a Closed Meeting to discuss a personnel matter with regard to the Director of Finance, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Director of Finance to convene in a Closed Meeting to discuss a personnel matter with regard to the Director of Finance, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

At 12:23 p.m., the Mayor declared the meeting in recess.

At 12:30 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a joint meeting of Council and the Roanoke Civic Center Commission.

**PRESENT:** Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**ROANOKE CIVIC CENTER COMMISSION MEMBERS PRESENT:** Thomas G. Powers, Robert C. Poole, Sandra W. Ryals and Chairman Calvin H. Johnson-----4.

**ABSENT:** Mark E. Feldmann and Vernon M. Daniels-----2.

**OTHERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; Mary F. Parker, City Clerk; and James M. Evans, Director, Civic Center Facilities.

**ROANOKE CIVIC CENTER:** The City Manager advised that several months ago, Council held a joint meeting with the Roanoke Civic Center Commission and was briefed on the details of a multi-faceted plan to totally renovate and expand the Civic Center complex. She stated that it was recognized at that time that a program needs

to be considered over a specified period of time and as new revenue sources become available to enable the Civic Center and its improvements to be self-funded. She noted that Council has prioritized its needs over the next two years and called attention to the importance of continuing with Civic Center improvements as one of the City's major initiatives, and the first phase of improvements has been identified, along with certain unique ways to finance improvements so as not to be a burden to the taxpayers. She advised that potential funding sources have been proposed to the Legislative Committee for first phase improvements, a presentation was made to the Civic Center Commission, and it is hoped that Council will endorse the first phase in order to move forward with the General Assembly process to secure the necessary funding. She called on James M. Evans, Director, Department of Civic Facilities, for a presentation on expansion and special needs at the Civic Center.

Mr. Evans advised that shortcomings of the current facility include inadequate space for entertainment events, with limited dressing room facilities, no green room, no private back stage, no catering area, no production and storage facilities; lack of back of house amenities for entertainment events, with inadequate load in area and insufficient electrical power; lack of amenities for patrons, with poorly designed and inadequate restroom facilities, concession areas and box office, antiquated design of seating and narrow concourses; limited seating capacity; insufficient exhibit space, with inappropriate use of the Coliseum for flat shows, lost business due to limited exhibit space and scheduling difficulties during prime season; parking and traffic deficiencies, with insufficient ingress and egress and lack of sufficient parking; and outdated amenities in the auditorium, with back stage and front of house limitations.

Mr. Evans pointed out that the architect's recommended components include two 32,500 square feet Exhibit Halls, private boxes on three sides of the Coliseum, club seats/club lounge on the south side, concourse renovation and expansion, seating bowl-aisle closure/seating replacement, restaurant/sports bar, additional seating (raise Coliseum roof), improved back of house amenities, auditorium renovations, enclosure of plaza, and parking improvements.

It was explained that the Rosser International Study in October 1999 included a \$65 million expansion with the following construction plan:

**Phase I - \$3 million**

Includes additional dressing rooms, office space and sports equipment, with construction scheduled to begin in May 2002.

**Phase II - \$14.9 million**

**Exhibit Hall and other urgently needed improvements**

**Future Phases**

**Additional Exhibit Hall, arena seat expansion, concourse expansion, general renovation, etc.**

**Mr. Evans reviewed the following components of Phase II: 32,000 square feet of open exhibit space, new kitchen facilities, new storage facilities, hockey and AF2 offices and locker rooms, relocated cooling tower, ticket office and administrative offices, new truck dock/marshaling yard, back of house improvements to auditorium, and marquee on Interstate 581. He reviewed artists' renderings of the Exhibit Hall, new Box Office and Administrative Offices.**

**He explained that parking and traffic improvements include shared parking with the new stadium/amphitheater, 3,000 - 3,500 total spaces, and physical improvements to the Orange Avenue/Williamson Road intersection; Phase II funding total project cost is \$14,941,020.00 and an annual debt service requirement of \$1,250,000.00; and a recommended funding scenario is as follows:**

<b>Increase Admission Tax on Civic Center</b>	<b>\$ 460,000.00</b>
<b>Establish a five per cent Civic Center Capital Improvements Fee</b>	<b>420,000.00</b>
<b>Sales Tax Rebate on Civic Facility payments (requires General Assembly approval)</b>	<b>47,000.00</b>
<b>Net Revenues available from operations</b>	<b><u>323,000.00</u></b>
<b>TOTAL</b>	<b>\$ 1,250,000.00</b>

**Mr. Evans reported on the following proposed time schedule:**

<b>Architect/Engineer Selection</b>	<b>2.5 months</b>
<b>Design</b>	<b>2.0 months</b>
<b>Documentation</b>	<b>5.0 months</b>
<b>Bid/Award Construction Contract</b>	<b>2.5 months</b>
<b>Construction</b>	<b><u>15.0 months</u></b>

**TOTAL**

**27.0 months**

**Calvin H. Johnson, Chairperson, Roanoke Civic Center Commission, presented a resolution adopted by the Civic Center Commission on Monday, October 31, 2001, recommending the capital improvements program at the Roanoke Civic Center and further recommending that Council take the following actions:**

- 1. Authorize \$14.9 million in improvements to the Roanoke Civic Center, to include a 32,000 square foot Exhibit Hall and improvements needed for the Civic Center.**
- 2. Request legislative action to authorize the City to increase the City Admissions Tax from five per cent to ten per cent on admissions at the Roanoke Civic Center only.**
- 3. Request legislative action to provide the City with reimbursement of two per cent sales tax revenues generated at the Roanoke Civic Center.**
- 4. Concur with the Commission's plan to establish a Civic Center Capital Improvements Fee on ticket sales for Civic Center events not to exceed five per cent of the ticket price, with such fee to be effective for events occurring on or after July 1, 2002, and the proceeds of such fee to be used to help fund the above improvements package.**
- 5. Appropriate \$850,000.00 for the purpose of initiating and completing the architectural and engineering process for the above improvements package for proposes of having the project placed out for bids.**

**The City Manager called attention to considerable discussion regarding the need to keep young people in the Roanoke community and to attract more young people to the area, because for various reasons, young persons are relocating to other parts of the state or the country. She stated that the City has the potential to create an identity for the City of Roanoke and the Roanoke Valley as a regional entertainment venue as a result of the decisions that Council makes relative to the stadium/amphitheater project and improvements to the Civic Center; and the City of Roanoke has the ability to attract major events to the community that will allow young people to see that the Roanoke area has something to offer by comparison with many other communities. She advised that Roanoke's ability to attract top of the line professionals will be determined by the type of facilities and planning that is made toward future improvements; Roanoke is at a cross roads in terms of deciding its future and Civic Center improvements represent a key element to future planning.**

She stated that tourism material prepared by the Commonwealth of Virginia has indicated that the I-581/Orange Avenue Interchange is frequented by a greater number of out of state vehicles than the I-64 exit ramp for Busch Gardens, which offers a great opportunity for the City of Roanoke to identify and to sell itself.

There was discussion with regard to funding questions, admissions taxes, plans for the future of the current Exhibit Hall when new construction is completed, the ability to solicit major events, businesses, etc., economic development benefits, and the time frame for design funding.

Vice-Mayor Carder called attention to the feasibility of increasing the admissions tax by ten per cent, calculating the difference between the increase and five per cent to non-profit organizations, and increasing the City's contribution to non-profit/cultural agencies by that difference, which would eliminate the need to include the request in the City's Legislative Program. He offered the above as a suggestion for Council's consideration.

The City Manager advised that consideration has been given with regard to funding mechanisms in order to make improvements to the facility as palatable as possible to the community as a whole, and increasing the admissions tax on the facility that is going to benefit from improvements is a reasonable approach. She stated that she is pessimistic about the ability to obtain funds from the General Assembly this year, however, legislative authority for localities to make a local choice appears to be a more successful avenue. She added that if General Assembly authority is not successful in order to impose a higher tax at the facility, she would recommend a City-wide admissions tax increase. In comparison to other major cities in Virginia with such facilities, she stated that Roanoke is low on the admissions tax on a city wide basis. She advised that she would not be disappointed if Council chose to look at either a small increase in the admissions tax on a City-wide basis, or a larger increase of up to ten per cent on a City-wide basis as suggested by Vice-Mayor Carder, with the idea that the balance would be used for some other purpose such as non-profit agencies or such other activities identified by the Council.

Following further discussion, Ms. Wyatt moved that the City Manager be requested to report to Council at its next regular meeting on Monday, November 19, 2001, with a time frame for completion of architectural design for the Roanoke Civic Center improvements project, and that the City Manager and the City Clerk be requested to schedule a date for Council's annual Financial Planning Session in early 2002 to discuss funding sources. The motion was seconded by Mr. White and adopted.

At 1:50 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, November 5, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding.

**PRESENT:** Council Members Linda F Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Edward T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGEMENTS:**

**DONATIONS/CONTRIBUTIONS-ACTS OF ACKNOWLEDGEMENT-COUNCIL:**  
Mr. Hudson offered the following resolution formally presenting a portrait of the late former Mayor Noel C. Taylor to his family:

(#35622-110501) A RESOLUTION concurring in the request and approving the presentation of a portrait of the late Dr. Noel C. Taylor, former Mayor of the City of Roanoke, to his family for display in their home.

(For full text of Resolution, see Resolution Book No. 65, page 222.)

Mr. Hudson moved the adoption of Resolution No. 35622-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS: None-----0.**

On behalf of the Members of Council and the citizens of the City of Roanoke, the Mayor presented the portrait to Mrs. Taylor.

**ROANOKE CIVIC CENTER-ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Carder offered the following resolution:**

**(#35623-110501) A RESOLUTION memorializing the late Edward L. (Whitey) Lambert, a resident of Roanoke, a former lieutenant in the City Sheriff's Department, and member of the Roanoke Civic Center Commission.**

**(For full text of Resolution, see Resolution Book No. 65, Page223.)**

**Mr. Carder moved the adoption of Resolution No. 35623-110501. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**PROCLAMATIONS-HUMAN DEVELOPMENT: The Mayor presented a proclamation declaring November 11 - 17, 2001, as National Hunger and Homelessness Awareness Week in the City of Roanoke.**

**(For full text, see proclamation on file in the City Clerk's Office.)**

#### **CONSENT AGENDA**

**The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Meetings to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, and to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board and an appointment to the Board of Zoning Appeals.**

**MINUTES: Minutes of the regular meeting of Council held on Monday, October 1, 2001, recessed until Wednesday, October 3, 2001, and further recessed**

until Thursday, October 4, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Harris moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board and an appointment to the Board of Zoning Appeals, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request of the Mayor to convene

in a Closed Meeting to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board and an appointment to the Board of Zoning Appeals, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**PURCHASE/SALE OF PROPERTY-BUILDINGS/BUILDING DEPARTMENT-ARTS MUSEUM OF WESTERN VIRGINIA-WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES-IMAX THEATER:** A communication from the City Manager advising that pursuant to provisions of the Code of Virginia, the City of Roanoke is required to hold a public hearing on the proposed conveyance or vacation of property rights, was before Council. The City Manager requested that a public hearing be advertised for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, in connection with conveyance of surplus City-owned property for the Art Museum-IMAX Theatre, described as Official Tax No. 4010205. containing 0.858 acre.

Mr. Harris moved that Council concur in the request of the City Manager to advertise a public hearing as above described. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**ROANOKE ARTS COMMISSION-ROANOKE NEIGHBORHOOD PARTNERSHIP STEERING COMMITTEE-OATHS OF OFFICE-COMMITTEES:** The following report of qualification was before Council:

Frank J. Eastburn as a member of the Roanoke Arts Commission for a term ending June 30, 2002; and

Christine Proffitt for a term ending November 30, 2003, George M. McMillan and Fredrick M. Williams for terms ending November 30, 2004, as members of the Roanoke Neighborhood Partnership

Steering Committee.

Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

### REGULAR AGENDA

#### **PUBLIC HEARINGS:**

**BONDS-SCHOOLS:** Pursuant to instructions of Council, the City Clerk having advertised a public hearing for Monday, November 5, 2001, at 2:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, on a proposed resolution, or resolutions, approving issuance by the City of its general obligation bonds, in an amount estimated not to exceed \$1,100,000.00, for the purpose of financing certain rehabilitations, repairs and equipment in connection with Lincoln Terrace Elementary School, the matter was before the body.

An e-mail from George J. A. Clemo, Attorney, advising that the bond will not be issued this year because a buyer could not be found before the November 1 deadline for application to the Virginia Department of Education for authority to issue the Qualified Zone Academy Bond. Accordingly, he stated that there is no need to proceed with the public hearing on the proposed issuance of the bond at the Council meeting on Monday, November 5, 2001.

Without objection by Council, the Mayor advised that the public hearing would be withdrawn.

#### **PETITIONS AND COMMUNICATIONS:**

**COUNCIL:** A communication from Council Member William D. Bestpitch advising that the last three pay increases which were approved by Council for the Mayor, Vice-Mayor and Members of Roanoke City Council are as follows, was before Council.

<u>Ordinance No.</u>	<u>Effective Date</u>	<u>Mayor's Salary</u>	<u>Vice-Mayor's Salary</u>	<u>Council Member Salaries</u>
29103	July 1, 1988	\$15,000.00	\$13,000.00	\$12,000.00
30036-50790	July 1, 1990	\$15,000.00	\$13,000.00	\$13,000.00

32980-060396	July 1, 1996	\$18,000.00	\$14,000.00	\$14,000.00
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Inasmuch as the Mayor and Members of Council have not received a pay increase since July 1, 1996, pursuant to Sec. 15.2-1414.6, Code of Virginia (1950), as amended, he proposed adoption by Council of an ordinance which will increase the salary of the Mayor from \$18,000.00 to \$18,630.00 per annum and increase the salaries of the Vice-Mayor and Members of City Council from \$14,000.00 to \$14,490.00 per annum for the fiscal year commencing July 1, 2002. He explained that the proposed increase for the Mayor and Council Members is commensurate with the 3.5 per cent base pay increase which was afforded to City employees, effective July 1, 2001.

Mr. Bestpitch offered the following ordinance:

(#35624-110501) AN ORDINANCE establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2002, and dispensing with the second reading by title of this ordinance.

Mr. Bestpitch moved the adoption of Ordinance No. 35624-110501. The motion was seconded by Mr. Carder.

Mr. Bob Zimmerman, 1510 Langhorne Street, S. E., advised that when Council Members campaigned for their positions, each person knew what the salary structure, however during the Councilmanic election, the salary issue was not important. He stated that this is not a good time to request a raise in view of the fact that recent employment figures revealed that 425,000 persons are unemployed and the nation is on the verge of a recession.

In view of inflation; the Mayor advised that Members of Council are currently paid substantially less than they were paid several years ago. However, as Mayor he could not accept a pay increase, and asked that the position of Mayor be deleted from the resolution. He stated that he would support a pay increase for Council Members, but would prefer that Council members complete their term of office; and, if reelected to the position, they would then be entitled to the addition compensation.

The City Attorney advised that upon Council's favorable action, no pay increase would take effect until July 1, 2002, which is after the next Councilmanic election.

Mr. Bestpitch offered a friendly amendment to the resolution that the salary of the Mayor remain at \$18,000.00 per annum. The motion was seconded by Mr. Carder

and adopted.

Resolution No. 35624-110501, as amended, was adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, White, and Mayor Smith -----6.

**NAYS:** Council Member Hudson-----1.

**TAXES-SPECIAL PERMITS:** A petition from Unified Human Services Transportation System, Inc., (RADAR) requesting exemption from taxation of real property identified as Official Tax Nos. 1311221, 2410101, and 2410301 - 2410306, inclusive, pursuant to Section 30-19.04(B), Code of Virginia (1950), as amended, was before Council.

Mr. White moved that the matter be referred to the City Manager and the City Attorney for study, report and recommendation to Council and to schedule a public hearing. The motion was seconded by Mr. Carder and unanimously adopted.

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:** None.

**ITEMS RECOMMENDED FOR ACTION:**

**CAPITAL MAINTENANCE AND EQUIPMENT REPLACEMENT PROGRAM-EQUIPMENT:** The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program has identified the need to replace three refuse cab/chassis and three refuse rear loading bodies for Solid Waste Management; whereupon, the City Manager recommended that Council accept the bid of Magic City Motor Corporation, at a total cost of \$203,787.00, for refuse cab/chassis and the bid of Bilthuis & Associates, Inc. LLC., at a total cost of \$112,869.00, for refuse rear loading bodies, and reject all other bids received by the City.

Mr. Hudson offered the following resolution:

**(#35625-110501) A RESOLUTION accepting the bid of Magic City Motor Corporation for the purchase of three new refuse cab/chassis and the bid of Bilthuis & Associates, Inc., LLC for the purchase of three new refuse rear loading bodies, upon certain terms and conditions; and rejecting all other bids made for such items.**

**(For full text of Resolution, see Resolution Book No. 65, page 224.)**

**Mr. Hudson moved the adoption of Resolution No. 35625-110501. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**SEWERS AND STORM DRAINS-PIPE LINES/STORAGE TANKS-WATER RESOURCES: The City Manager submitted a communication advising that bids were received on July 1, 1999, to remove, transport and dispose of lagooned sludge by land application; and Robinson Pipe Cleaning Company submitted the low bid of \$84.47 per dry ton, with a minimum of 10,000 dry tons and a maximum of 12,000 dry tons.**

**It was further advised that in the one year contract, the City reserved the right to extend the contract each year for a total of five years; the contract was extended for one year, from October 1, 2000, through September 30, 2001, at a unit price of \$87.57 per dry ton due to an increase in the Consumer Price Index as allowed by the contract; Robinson Pipe Cleaning Company has agreed to continue its 2000-01 cost per dry ton of \$87.57 for the 2001-02 contract year from October 1, 2001, to September 30, 2002, and the City wishes to extend the contract for an additional year; and the one year extension will be at the unit price of \$87.57 per dry ton, with a change to the amount of dry tons processed by reducing the minimum and maximum amounts by 2,000 dry tons each.**

**The City Manager recommended that she be authorized to enter into a one year extension, from October 1, 2001 through September 30, 2002, of the contract with Robinson Pipe Cleaning Company, to remove and dispose of a minimum of 8,000 dry tons and a maximum of 10,000 dry tons of lagooned sludge from the existing five lagoons at the Water Pollution Control Plant, at a unit price of \$87.57 per dry ton ( 8,000 minimum dry tons at \$700,560.00 and 10,000 maximum dry tons at \$875,700.00).**

**Mr. Carder offered the following emergency ordinance:**

**(#35626-110501) AN ORDINANCE authorizing execution of an amendment extending for an additional term of one year a contract with Robinson Pipe Cleaning Company for removing, transporting and disposing of digested lagooned sludge from the City's Water Pollution Control Plant; and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 225.)**

**Mr. Carder moved the adoption of Ordinance No. 35626-110501. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**SEWERS AND STORM DRAINS-BUDGET-BRIDGES-FLOOD REDUCTION/CONTROL:** The City Manager submitted a communication advising that the Garden City area experienced extensive flooding from Garnand Branch in 1995 and, as a result, a task force of citizens and City staff developed a ten-phase stormwater management plan for the Garden City neighborhood; and construction plans have been completed for Phase 3 of the Garden City Stormwater Plan, which include the following:

**Armoring and widening of Garnand Branch and Gum Spring Branch as they join at the intersection of Garden City Boulevard and Hartsook Boulevard.**

**Replacing the bridge over Garden City Boulevard at Gum Spring Branch with a larger bridge to allow greater volumes of water to flow under it during times of heavy rains. (A detour will be built along Garden City Boulevard to allow for two-way traffic during construction.)**

**It was further advised that after proper advertisement, two bids were received by the City, with H. & S. Construction Company submitting the low bid in the amount of \$521,245.00 and 180 consecutive calendar days to complete the work; and funding in the amount of \$575,000.00 is needed for the project.**

**The City Manager recommended that Council accept the bid of H. & S. Construction Company and that she be authorized to execute a contract, in the amount of \$521,245.00, with 180 consecutive calendar days, to construct Garden City Phase 3 Drainage Project; transfer \$575,000.00 from Public Improvement Bond**

Series 1999, Account No. 008-052-9709-9176, to an account to be established by the Director of Finance, entitled “Garden City Phase 3 Drainage Project”; and reject the other bid received by the City.

Mr. Carder offered the following emergency budget ordinance:

(#35627-110501) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 226.)

Mr. Carder moved the adoption of Ordinance No. 35627-110501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following emergency ordinance:

(#35628-110501) AN ORDINANCE accepting the bid of H. & S. Construction Company for armoring and widening of Garnand Branch and Gum Spring Branch as they join at the intersection of Garden City Boulevard and Hartsook Boulevard and replacing the bridge over Garden City Boulevard at Gum Spring Branch with a larger bridge in connection with the Garden City Phase 3 Drainage Project, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 227.)

Mr. Bestpitch moved the adoption of Ordinance No. 35628-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

**HOUSING/AUTHORITY-GRANTS:** The City Manager submitted a communication advising that the Blue Ridge Housing Development Corporation is an established local nonprofit housing agency which has conducted several housing projects assisted by the City's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds; as part of the budgeting process for the 2001-02 period, BRHDC applied for funding to conduct a multi-year project to be known as "Connect Four," to construct or rehabilitate housing in all four of the City's quadrants; Resolution No. 35319-050701 adopted by Council on May 7, 2001, approved submission of the City's 2001-02 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development (HUD), which included authorization of \$363,254.00 in CDBG and HOME funds for BRHDC to undertake phase one of the project; and Council appropriated the necessary HOME and CDBG funding, pursuant to Budget Ordinance Nos. 35404-061801 and 35406-070201, respectively.

It was further advised that "Connect Four, Phase One" will construct and/or rehabilitate and sell a minimum of ten homes on a site located immediately north of Cove Road and Aspen Street, or at another mutually agreeable site or sites; all homes will be compatible with the neighborhood in style and value; at least six of the homes will be affordable to low- and moderate-income individuals through CDBG and HOME funding previously authorized and appropriated; and in order for the BRHDC to undertake these activities, authorization is needed by Council to execute an agreement with the BRHDC, which does not constitute a commitment by the City to provide future funding to the project.

The City Manager recommended that she be authorized to execute the 2001-02 CDBG/HOME Agreement with the BRHDC, to be approved as to form by the City Attorney.

Mr. Harris offered the following resolution:

(#35629-110501) A RESOLUTION authorizing the appropriate City officials to enter into the 2001-02 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Agreement with the Blue Ridge Housing Development Corporation, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 65, page 228.)

Mr. Harris moved the adoption of Resolution No. 35629-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**PURCHASE/SALE OF PROPERTY-DONATIONS/CONTRIBUTIONS-CITY PROPERTY-GREENWAY SYSTEM-WESTERN VIRGINIA LAND TRUST-BICYCLISTS:** The City Manager submitted a communication advising that in 1999, the Roanoke Valley Greenway Commission completed the first segment of the Lick Run Greenway bicycle/pedestrian lane from the I-581 Interchange to Valley View; the next phase which runs from the I-581 Interchange to Court Street has recently been completed; the final phase will extend the greenway from Court Street to The Hotel Roanoke; the greenway is a part of the city-wide greenway system which was identified in the City's Comprehensive Plan, Roanoke Vision 2005, as a potential greenway corridor and is supported by the citizens of Roanoke; and each portion is being constructed as funds become available.

It was further advised that greenway property is identified by Official Tax No. 2240103 and contains 14.461 acres, which is also described as New Lot 1 on the Plat of Survey for Shenandoah Limited Partnership Property of Roanoke Foundation for Downtown, Inc.; and the Western Virginia Land Trust, on behalf of the Roanoke Valley Greenway Commission, is ready to donate the property to the City.

The City Manager recommended that she be authorized to execute the appropriate documents to accept the donation of property, in a form to be approved by the City Attorney.

**Mr. Harris offered the following emergency ordinance:**

**(#35630-110501) AN ORDINANCE** authorizing the City Manager to execute and attest the appropriate documents for the acquisition of all property rights necessary for the construction of the second phase of the Lick Run Greenway, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

**(For full text of Ordinance, see Ordinance Book No. 65, page 229.)**

**Mr. Harris moved the adoption of Ordinance No. 35630-110501. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**PURCHASE/SALE OF PROPERTY-POLICE DEPARTMENT-BUILDINGS/BUILDING DEPARTMENT-HUMAN DEVELOPMENT-HOUSING/AUTHORITY:** The City Manager submitted a communication advising that the “Good Neighbor” program of the U. S. Department of Housing and Urban Development (HUD) involves houses that have been offered for sale unsuccessfully for six months; such property is offered to the local government for one dollar, on condition that the property be used to further neighborhood improvement; HUD has offered two properties to the City; i.e.: 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., and is anxious to close on the sale.

It was further advised that the Rorer Avenue building is a large duplex, which has been vacant for several years and requires major rehabilitation, estimated to cost \$100,000.00-120,000.00; the Dale Avenue property is a single-family building needing moderate renovation (estimated \$30,000.00); plans call for both properties to be transferred to Blue Ridge Housing Development Corporation (BRHDC) after the City acquires the properties, and for BRHDC to renovate the properties for reuse; both apartments in the Rorer Avenue property will be offered to police officers at dramatically reduced rents as a recruiting inducement for new recruits and to benefit an older neighborhood through the presence of positive role models; and the Dale Avenue structure will be repaired and marketed for sale initially to police officers and school teachers before the general public.

It was explained that authority is needed to acquire the two properties from HUD; and at a later date, after the required review process and public hearing, Council will be requested to consider a modification to the Consolidated Plan to provide loan financing to BRHDC for the renovation of 1224 Rorer Avenue, S. W., and to convey both properties to the Blue Ridge Housing Development Corporation.

The City Manager recommended that she be authorized to purchase from HUD, on behalf of the City, those properties located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., for the sum of one dollar each, plus additional costs associated with the purchase, estimated to be approximately \$300.00 each, as approved by the City Attorney.

**Mr. Harris offered the following emergency ordinance:**

**(#35631-110501) AN ORDINANCE authorizing the City Manager to execute and attest the appropriate documents for the acquisition of certain properties from the U. S. Department of Housing and Urban Development for community development and neighborhood revitalization; upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 230.)**

**Mr. Harris moved the adoption of Ordinance No. 35631-110501. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**COMMITTEES-COMMUNITY CORRECTIONS RESOURCES BOARD: The City Manager submitted a communication advising that the General Assembly amended state law, effective October 1, 2001, regarding the Regional Community Criminal Justice Board; maximum size of the Board has been reduced from 25 to 20 members, and pertinent statutes have been recodified from §53.1-180, et seq. to §9.1-173, et. seq.; this multi-jurisdictional Board manages local pretrial services or community-based probation programs; no local funding is required as a condition of the City of Roanoke's participation; and the City of Salem serves as the program's fiscal agent.**

**It was further advised that each participating locality is to reconstitute the Board and, generally, reappoint current members; and the current Board is changed only in that two previously appointed members from other jurisdictions will no longer serve, and seven persons have been added to the Board from other jurisdictions.**

**The City Manager recommended that Council adopt a resolution to implement statutory changes and to reconstitute the Board with appointments as set forth in the resolution.**

**Mr. Hudson offered the following resolution:**

**(#35632-110501) A RESOLUTION of the Council of the City of Roanoke, establishing, by joint action of the Boards of Supervisors of the Counties of Alleghany, Bath, Botetourt, Craig, Roanoke and Rockbridge, and the City Councils of the Cities of Buena Vista, Covington, Lexington, Roanoke and Salem, the**

membership of the Court-Community Corrections Regional Community Criminal Justice Board to serve the region composed of those Counties and Cities.

(For full text of Resolution, see Resolution Book No. 65, page 231.)

Mr. Hudson moved the adoption of Resolution No. 35632-110501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

**CITY CODE-SOLICITATION/PANHANDLING:** The City Manager submitted a communication advising that in the past few months, several community meetings have been held which addressed the issue of on-going panhandling in all areas of the City; meeting's were attended by representatives of Downtown Roanoke, Inc., several community-social service agencies, and law enforcement personnel; panhandling (soliciting) is presently addressed in Section 21-44: Solicitations and sales; prohibited acts, Code of the City of Roanoke (1979), as amended; and panhandling is considered a Class 3 misdemeanor, which means the panhandler receives no jail time and only has to pay a "fine".

It was further advised that it was apparent to persons attending the meetings that the City needs to implement more enforcement possibilities for panhandling and that the degree of punishment for panhandling be more severe, thus, deterring those involved in criminal panhandling; meeting participants proposed that the City Code addressing "panhandling" be expanded to determine prohibited conduct; the ordinance, for example, prohibits panhandling and the solicitation of goods and services in an aggressive manner, prohibits panhandling and soliciting sales of goods and services within 15 feet of a bank entrance or exit, and prohibits solicitation from anyone who is in a motor vehicle in traffic on a public street; the ordinance further clarifies that solicitation will not be permitted in any street, on any median, or while in or on ramps or exit ramps; and with the proposed revision to the present City Code, panhandling can be considered a Class 2 misdemeanor which may be punishable by jail time versus a "fine".

The City Manager recommended that Council repeal Section 21-44, Solicitations and sales; prohibited acts of the Code of the City of Roanoke (1979), as amended, to be replaced by Section 21-44.1, Aggressive Solicitation and Sales; Definitions; Prohibited, Acts and Penalties, which allows the City Code to be more specific as to what conduct is prohibited and providing for a Class 2 misdemeanor.

**Mr. Carder offered the following emergency ordinance:**

**(#35633-110501) AN ORDINANCE amending Article I, In General, of Chapter 21, Offenses - Miscellaneous, of the Code of the City of Roanoke, (1979), as amended, by REPEALING §21-44, Solicitations and sales; prohibited acts; by adding new §21-44.1, entitled Aggressive Solicitations and Sales; Definitions; Prohibited Acts and Penalties; and providing for an emergency.**

**Mr. Carder moved the adoption of Ordinance No. 35633-110501. The motion was seconded by Mr. Harris.**

**Vice-Mayor Carder inquired about panhandling in the area of ATM machines; whereupon, the City Attorney advised that an earlier draft of the ordinance made panhandling illegal within 15 feet of an ATM machine; however, questions were raised since the proposed language could have an impact on market stalls that are located in close-proximity to the ATM machine on the City Market. He stated that following further consideration, a provision was added to the proposed measure that will prohibit panhandling within 15 feet of ATM machines; whereupon, a revised measure was presented which adds the definition of ATM machines and prohibits panhandling within 15 feet of an ATM machine.**

**Mr. Bestpitch expressed concern with regard to the ordinance as a whole. He stated that the majority of those persons who are creating problems are those individuals with a history of substance abuse, mental illness or both, and incarceration for this group of citizens may not have the same deterrent effect. He called attention to continuing problems with deinstitutionalization by large state institutions related to substance abuse and mental illness, with the promise of increased community based services to meet the needs of this segment of the population, but without State funding to provide the needed community based services. He stated that although he does not favor panhandling, there is a need to provide more resources, such as law enforcement officers and additional members to the City's Homeless Assistance Team. He expressed concern that not enough effort has been made by the City to insist that the State assume its responsibility of providing the services that are needed to address the root causes of the problem.**

**Mr. Bestpitch advised that another area of concern pertains to soliciting donations while standing on or going into any street or highway, including medians, on ramps and exit ramps, and spoke in support of a provision that non-profit organizations would be required to apply for and receive a permit to solicit for bona fide donations to a recognized charitable endeavor.**

Mr. Carder moved that Ordinance No. 35633-110501 be amended to include provisions with regard to panhandling in the vicinity of ATM machines. The motion was seconded by Mr. Harris and adopted.

Ordinance No. 35633-110501, as amended, was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch , Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-CITY CODE-ANIMALS/INSECTS-CIRCUIT COURT-FEE COMPENDIUM:** The City Manager submitted a communication advising that there are two fees set forth in the City’s Fee Compendium in need of revision; i.e.: a change in the fee for the boarding of animals on their first day of impoundment at the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. (SPCA), and a change in the fee for background investigation of an applicant for “Conservator of the Peace”; per the City’s Fee Compendium, the SPCA should charge \$4.00 for the first day of boarding fees for impounded domestic animals, and every day thereafter, the fee is established at \$8.75 per day; however, the SPCA has been charging \$8.75 for every day of impoundment, and is of the opinion that the daily fee is necessary for expenses incurred in boarding a domestic animal; and the Fee Compendium did not set forth a “first day” boarding fee which is consistent with actual SPCA expenditures.

It was further advised that a conservator of the peace provides security of property and tranquility; to become a conservator of the peace, an individual must apply through the Circuit Court, which then orders the local law enforcement agency to investigate the background and character of the applicant; a Circuit Court Judge of any county or city, in his/her discretion, may appoint one or more special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment; prior to granting an application for appointment, the Circuit Court shall order the local law-enforcement agency to conduct a background investigation, in accordance with Section 15.2.1705 (ii), Code of Virginia, of the prospective appointee and to file a report of such investigation with the Court unless the prospective appointee is a police officer as defined in Section 9.1-101 of the State Code; Section 19.2-13, Code of Virginia, states that “the local law-enforcement agency may charge the prospective appointee a reasonable fee not to exceed the lesser of the actual cost to the local law-enforcement agency, or \$300.00 for the time and costs expended in preparing the investigative report”; however, the City of Roanokes currently adopted fee for a

background investigation conducted on applicants for “Conservator of the Peace” is \$250.00.

The City Manager recommended that Council establish the City of Roanoke’s fee for the daily boarding of an impounded domestic animal at \$8.75 per day; and further establish the City of Roanoke’s fee for the background investigation of an applicant for “Conservator of the Peace” at the lesser of the actual cost, or \$300.00 as permitted by Section 19.2-13, Code of Virginia (1950), as amended.

Mr. Bestpitch offered the following resolution:

(#35634-110501) A RESOLUTION amending the City’s Fee Compendium to reflect the correct service charge made to animal owners for daily boarding fees for an impounded animal of \$8.75 to include the initial day and all days thereafter.

(For full text of Resolution, see Resolution Book No. 65, page 237.)

Mr. Bestpitch moved the adoption of Resolution No. 35634-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#35635-110501) A RESOLUTION amending the City’s Fee Compendium to comply with the Code of Virginia for fees charged by the Police Department for the preparation of investigative reports regarding applicants for Conservator of the Peace appointments.

(For full text of Resolution, see Resolution Book No. 65, page 238.)

Mr. Bestpitch moved the adoption of Resolution No. 35635-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

**BONDS/BOND ISSUES-TAXES-ROANOKE CIVIC CENTER-RIVERSIDE CENTRE:** The City Manager and the Director of Finance submitted a joint written report advising that Council approved the issuance of General Obligation Bonds, totaling \$56,245,000.00, pursuant to the Public Finance Act of 1991 of the Code of Virginia, as follows:

<u>Purpose</u>	<u>Amount</u>
Roanoke River Flood Reduction	\$ 7,500,000.00
Shenandoah Garage	2,500,000.00
Riverside Centre for Research and Technology	12,000,000.00
Roanoke Civic Center Renovations	3,000,000.00
Crystal Spring Filtration Plant	5,445,000.00
Curb, Gutter, Sidewalk Improvements	5,000,000.00
Roanoke Academy for Math and Science	4,600,000.00
Stadium/Amphitheater	<u>16,200,000.00</u>
<b>Total</b>	<b><u>\$56,245,000.00</u></b>

It was further advised that the City's bond attorney, Hawkins, Delafield & Wood, has issued an opinion that bonds to be issued for Civic Center improvements (\$3 million) and the Riverside Center for Research and Technology (\$12 million) meet the Internal Revenue Code's private activity tests and must be issued as taxable bonds; private activity bond tests serve to identify arrangements that have the potential to transfer the benefits of tax exempt financing to private enterprise; based on current market conditions, it is anticipated that the taxable bonds will be less than two percentage points more than the tax exempt bonds; and the taxable bonds and tax exempt bonds will be designated as a separate series with the next issuance in January, 2002.

It was explained that public bids will be requested on a total bond issue of \$56,245,000.00 during the second week of January, 2002; due to varying interest rates bid throughout the life of the bond issue, the bond maturity schedule and interest rates must be provided to the City's financial advisors, Branch Banking and Trust Capital Markets (BB&T), to compute the overall net interest cost; it is proposed to use the same procedure as in previous bond issuances whereby bids will be delivered to BB&T's Richmond office via the Internet, and with oversight of certain City representatives, BB&T will calculate the overall interest rate on the bids for purchase of the bonds; BB&T and City representatives will review the bids to determine the responsive bid having the lowest net interest cost; and City representatives will accept the lowest bid, with an immediate communication to Council summarizing the bids and acceptance of the bid with the lowest net interest amount.

The City Manager and the Director of Finance recommended that Council adopt a resolution which will authorize the sale of \$56,245,000.00 of General Obligation bonds; and authorize the City Manager and the Director of Finance to award the winning bid and to affix the interest rates to be borne by the bonds.

Mr. Harris offered the following resolution:

(#35636-110501) A resolution authorizing the sale of not to exceed fifty-six million two hundred forty-five thousand dollars (\$56,245,000) principal amount of city of Roanoke, Virginia, general obligation public improvement bonds; fixing the form, denomination and certain other details of such bonds and delegating to the city manager and the director of finance certain powers with respect thereto; authorizing the preparation of a preliminary official statement and an official statement and the distribution thereof; and authorizing such city to execute and deliver a continuing disclosure certificate of such city relating to such bonds

(For full text of Resolution, see Resolution Book No. 65, page 239.)

Mr. Harris moved the adoption of Resolution No. 35636-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of September, 2001.

There being no questions, without objection by Council, the Mayor advised that the financial report would be received and filed.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS:

CITY EMPLOYEES: Council at its last regular meeting having tabled a communication from the City Manager with regard to special military leave pay for

City employees to allow time for the City Manager to respond to a question raised by a Member of Council; Mr. Harris moved that the matter be removed from the table. The motion was seconded by Mr. Carder and unanimously adopted.

Mr. Bestpitch offered the following resolution:

(#35637-110501) A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to employees called to active military duty.

Mr. Bestpitch moved the adoption of Ordinance No. 35637-110501. The motion was seconded by Mr. Harris.

The City Manager submitted a communication advising that military leave at full pay is limited to 15 working days per Federal fiscal year for employees of the City of Roanoke who are military reservists called to active duty; special Council action was taken in 1991 for the Desert Storm operation and in 1997 for the Bosnia effort to provide any difference between military reservists' pay and the current level with the City of Roanoke; and there are 35 reservists in 13 departments within the City of Roanoke engaged in full-time employment.

The City Manager recommended that Council approve special policy to pay military reservists who are called to active duty who serve between October 1, 2001, and September 30, 2002, the difference between their military base pay (including any other related compensation received from the military) and pay with the City of Roanoke in their current job, which supplemental pay will be provided upon request and with necessary documentation to the Department of Human Resources.

The Mayor raised the issue of requiring 90 days employment with the City of Roanoke prior to being called to active military duty, in order to qualify for the military leave pay benefit.

The City Manager advised that the Mayor previously requested a determination as to whether the City could differentiate between reservists, and the question of whether a person who was employed by the City after the policy is approved would be eligible for the benefit. Prior to this time, she stated that the Mayor had not inquired about a specific period of time; therefore, she returned the matter to the Council agenda as the report was originally prepared because the benefit should be available to any person in the employment of the City who is called for active service. She noted that at the present time, only one City employee has been called to active duty, however, there are approximately 35 City employees who are reservists. She stated

that the recommendation before Council contains no differential and any person who is a City employee who is called for active duty would receive the benefit for a period of one year.

Following discussion of the matter, it was the consensus of Council to act on the resolution and refer the Mayor's suggestion to the City Manager for further study, report and recommendation to Council, with the understanding that the resolution can be amended at a later date, if necessary.

Resolution No. 35637-110501 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**EASEMENTS- NEWSPAPERS:** Council at its last regular meeting on Thursday, October 18, 2001, having tabled an ordinance authorizing the vacation of an easement on property identified as Official Tax Nos. 1011001, 1011002, 1011003, and 1011004, adjacent to Second Street, S. W., upon certain terms and conditions, in connection with the Times World Corporation expansion project, Mr. Harris moved that the ordinance be removed from the table. The motion was seconded by Mr. Carder and unanimously adopted.

Mr. Harris offered the following ordinance:

(#35638-110501) AN ORDINANCE authorizing the vacation of an easement on property identified as Official Tax Map Nos. 1011001, 1011002, 1011003, and 1011004 adjacent to Second Street, S. W., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 252.)

Mr. Harris moved the adoption of Ordinance No. 35638-110501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**COUNCIL:** Mr. Harris offered the following resolution:

**(#35639-110501) A RESOLUTION** cancelling the work session meeting of the Council of the City of Roanoke scheduled for Monday, December 31, 2001, at 12:15 p.m.

(For full text of Resolution, see Resolution Book No. 65, page 253.)

Mr. Harris moved the adoption of Resolution No. 35639-110501. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**ACTS OF ACKNOWLEDGEMENT-CITY GOVERNMENT-COMMUNICATIONS DEPARTMENT:** Vice-Mayor Carder advised that the City of Roanoke earned first place in the 75,000 - 125,000 population range in the nation's first study on digital technology in City government, the Digital Cities Survey. He explained that the survey examined how cities are using information technology to deliver services to citizens, as conducted by the Center for Digital Government, Government Technology Magazine, and commended the City Manager and City staff on their outstanding achievements.

**EASEMENTS-NEWSPAPERS:** Council at its regular meeting on Thursday, October 18, 2001, having tabled an ordinance permanently vacating, discontinuing and closing a portion of Salem Avenue, S. W., near its intersection with Second Street, Mr. Bestpitch moved that the ordinance be removed from the table. The motion was seconded by Mr. Harris and adopted.

Mr. Bestpitch offered the following ordinance:

**(#35640-110501) An ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.**

**(For full text of ordinance, See Ordinance Bok No. 65, page 254.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35638-110501. The motion was seconded by Mr. Harris.**

**The City Manager was requested to clarify those measures relating to the Times World Corporation expansion project, to explain the \$500,000.00 investment by the City, and how the investment compares with an economic development incentive that might be offered to any other business proposing to make a \$31 million investment in the community.**

**The City Manager advised that the Times World Corporation expansion project represented an opportunity to retain 450 jobs in the downtown area and to experience a significant investment which would generate additional tax revenues to the City. Were the Times World Corporation to leave the City of Roanoke, she stated that there would be a loss of approximately \$150,000.00 of taxes paid annually on items other than real estate; and the \$31 million investment that the Roanoke Times plans to make will generate approximately \$1.5 million of additional revenue to the City in the first five years of operation. She explained that on economic development prospects, the City looks at revenue to be generated by the new or expanded business which is used as an incentive and the sharing of those increased benefits or revenues, with the City regaining the larger portion, therefor, the \$500,000.00 grant to the Times World Corporation was the City's response to a request for incentives and represents an amount payable over a three year period. She further explained that after the new plant is operational and with the understanding that these additional revenues of \$1.5 million will, in fact, be generated, the City would, through the Industrial Development Authority as its agent, provide \$250,000.00 in the first year, \$150,000.00 in the second year and \$100,000.00 in the third year upon completion of the project. She added that the City will receive revenues in excess of these amounts which will be used to support various programs and activities that the Council, on an annual basis, approves through its budgetary process. She stated that the amount provided to businesses as incentives vary based upon the number of new jobs to be created, and revenues to be generated which can range from as little as ten per cent to as much as 50 per cent. She explained that the amount that was determined by the Times World Corporation**

expansion project was appropriate given the revenues and the job retention that will result in the City of Roanoke.

Ordinance No. 35640-110501 was adopted by the following vote:

AYES: Council Members: Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

At 3:50 p.m., the Mayor declared the meeting in recess for four closed sessions.

COUNCIL: The meeting reconvened at 4:05 p.m., with Vice-Mayor Carder presiding. Mr. Harris moved that Council override the decision of the Chair to recess the Council meeting for four Closed Sessions and that the Council meeting reconvene in public session. The motion was seconded by Mr. Bestpitch and adopted, Mayor Smith not voting.

#### CITY MANAGER COMMENTS:

POLICE DEPARTMENT-SOLICITATIONS PANHANDLING: The City Manager called attention to numerous discussions with law enforcement personnel and the City's Homeless Assistance Task Force with regard to concerns expressed earlier in the meeting by Council Members and others in response to panhandling, solicitation in the downtown Roanoke area.

BONDS/BOND ISSUES: The City Manager advised that certain members of the City staff will be in New York City later this week attending meetings with three bond rating agencies with regard to the City's rating for the bond issue that was previously approved by Council pursuant to Resolution No. 35636-110501, and it is anticipated that the City will go to the bond market in early 2002.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

At this point, he stated that television coverage of the meeting will be concluded.

**FIRE DEPARTMENT-EMERGENCY SERVICES:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the Business Plan for Fire/EMS as submitted by the Fire Chief. Inasmuch as there are numerous questions, she suggested that the Virginia Department of Fire Programs be requested to conduct an independent and impartial evaluation of the Roanoke City Fire/EMS Business Plan.

**PAY PLAN-COUNCIL:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., addressed Council with regard to City Council's pay increase which was approved earlier in the meeting. She stated that it is unfair for Council to compare itself with City employees who are held accountable by supervisors for their job performance. She inquired as to the procedure to be followed by citizens in order to hold Council Members accountable for their actions, and the procedure for removing Council Members from office if citizens are displeased with their job performance, barring a Councilmanic election.

At 4:10 p.m., the Vice-Mayor declared the meeting in recess for four closed session.

At 5:40 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member White, who left the meeting during the closed session.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-FIFTH PLANNING DISTRICT COMMISSION (ALLEGHANY REGIONAL COMMISSION):** The Mayor advised that there is a vacancy on the Roanoke Valley-Alleghany Regional Commission created by the resignation

of Donald S. Caldwell, for a term ending June 30, 2003, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of William H. Carder.

There being no further nominations, Mr. Carder was appointed as a member of the Roanoke Valley-Alleghany Regional Commission, to fill the unexpired term of Donald S. Caldwell, resigned ending June 30, 2003, by the following vote:

FOR MR. CARDER: Council Members Wyatt, Bestpitch, Carder Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION:** The Mayor advised that there is a vacancy on the Roanoke Arts Commission created by the resignation of Sherlie Doherty, for a term ending June 30, 2003, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Courtney A. Penn.

There being no further nominations, Mr. Penn was appointed as a member of the Roanoke Arts Commission to fill the unexpired term of Sherlie Doherty, ending June 30, 2003, by the following vote:

FOR MR. PENN: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-ZONING:** The Mayor advised that there is a vacancy on the Board of Zoning Appeals created by the resignation of Willard G. Light, for a term ending December 31, 2002. and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of William D. Poe.

There being no further nominations, Mr. Poe was appointed as a member of the Board of Zoning Appeals, to fill the unexpired term of Willard G. Light, ending December 31, 2002, by the following vote:

FOR MR. POE: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.

**(Council Member White was absent.)**

**OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER:** The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission created by the death of Edward Lambert, for a term ending September 30, 2003, and called for nominations to fill the vacancy.

**Mr. Hudson placed in nomination the name of Mr. Stuart G. Boblett, III.**

**There being no further nominations, Mr. Boblett, I was appointed as a member of the Roanoke Civic Center Commission to fill the unexpired term of Edward Lambert, deceased, ending September 30, 2003, by the following vote:**

**FOR MR. BOBLETT: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.**

**(Council Member White was absent.)**

**OATHS OF OFFICE-COMMITTEES-ARCHITECTURAL REVIEW BOARD:** The Mayor advised that the terms of office of Alison S. Blanton and Lawrence Johns as members of the Architectural Review Board will expire on October 1, 2001, and a vacancy exists for a term ending October 1, 2001, and called for nominations to fill the vacancies.

**Mr. Bestpitch placed in nomination the names of Alison S. Blanton and James Schlueter.**

**There being no further nominations, Alison S. Blanton was reappointed and James Schlueter was appointed as members of the Architectural Review Board, for terms ending October 1, 2005, by the following vote:**

**FOR MS. BLANTON AND MR. SCHLUETER: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson and Mayor Smith-----6.**

**(Council Member White was absent.)**

**There being no further business, the Mayor declared the meeting adjourned at 5:45 p.m.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

**Ralph K. Smith**  
**Mayor**

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